

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARRY WHITE,
Petitioner,

v.

UNKNOWN,
Respondent.

Case No. [20-cv-05946-WHO](#) (PR)

ORDER OF DISMISSAL

Dkt. No. 12

Petitioner Barry White has not complied with the Court's instructions to file an amended petition. His original petition was dismissed with leave to amend because it appeared that he had not exhausted his state judicial remedies and because he had failed to state any claim for relief. (Dkt. No. 13 at 2-3.) He did not respond to the Order Dismissing Petition With Leave To Amend. As a result, this federal habeas action is **DISMISSED** (without prejudice) for his failure to comply with that order and for failure to prosecute, *see* Federal Rule of Civil Procedure 41(b).

The petition is dismissed on the additional ground that White has not paid the filing fee or filed a complete application to proceed *in forma pauperis* (IFP). His IFP motion includes the application form but lacks both a prison trust account statement showing transactions for the last six months and a Certificate of Funds signed by an authorized prison officer. White's motion to proceed IFP is **DENIED** as insufficient. (Dkt. No. 12.)

Because this dismissal is without prejudice, White may file a motion to reopen. Any such motion must be clearly labelled "Motion to Reopen" and it must contain (i) an amended petition that complies in all respects with the Order Dismissing Petition With Leave to Amend; and (ii) a complete IFP application or full payment for the \$5.00 filing

1 fee.

2 The Clerk shall terminate all pending motions, enter judgment in favor of
3 respondent, and close the file.

4 **IT IS SO ORDERED.**

5 **Dated:** June 14, 2021

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

WILLIAM H. ORRICK
United States District Judge

United States District Court
Northern District of California